



301 N. Miami Ave
Miami, Florida 33128
305-523-5280

FILED
JUN 30 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

TO: FEDERAL BUILDING AND UNITED STATES
COURTHOUSE, STE. 400 SOUTH
1301 CLAY STREET
OAKLAND, CA 94612-5212

RE: USA VS. AUERBACH

OUR CASE NUMBER - 08-2792-WHITE
YOUR CASE NUMBER -CR08-367 DLJ

DATE: 06/26/08

=====

The above-mentioned cause has been transferred to your jurisdiction
pursuant to

(Rule 40, 18:3653)

Please find enclosed the following documents:

Original file
 Certified File (pertinent papers only)
 Magistrate Proceedings
 CASH Bond Amount \$_____

(Note: Cash is not included in this transmittal and will
be forwarded at a later date from the Financial SECTION)

Kindly acknowledge receipt of these documents by RECEIVE STAMPING
the enclosed copy of this letter.

Yours sincerely,

By COLETTE FARRINGTON
Deputy Clerk

COURT MINUTES
U.S. MAGISTRATE JUDGE PATRICK A. WHITE - COURTROOM IX

DATE: 06/16/08 TIME: 1:30PM PAGE: 6

DEFT: LEONARD B. AUERBACH (J)80616-004 CASE NO: 08-2792-WHITE

AUSA: Marc Christian ATTY: Marc Settles - Tamp

AGENT ICE VIOL: IND/N/D/CALIF-PROD/POSS CHILD POROGRAPHY

PROCEEDING: INITIAL APPEARANCE RECOMMENDED BOND:

BOND/PTD CONTESTED HRG - yes / no

BOND SET @: CJA APPT:

To be cosigned by:

INTERPRETER: none

Disposition:

Stip PTD w/right to forfeitWaived Removal

- All Standard Conditions.
- Surrender / or do not obtain passports / travel documents
- Rpt to PTS as directed / or _____ x's a week/month by phone; _____ x's a week/month in person
- Refrain from excessive use of alcohol
- Participate in a mental health assessment and treatment
- Random urine testing by Pretrial Services and/or treatment as deemed necessary
- Not to encumber property.
- Maintain or seek full - time employment/education.
- No contact with victims / witnesses.
- No firearms.
- May Not visit Transportation Establishments.
- Travel extended to: _____
- Home Confinement/Electronic Monitoring/Curfew _____, paid by _____
- Other _____

NEXT COURT APPEARANCE: DATE: TIME: JUDGE: PLACE:

REPORT RE COUNSEL: _____

PTD/BOND HEARING: _____

PRELIM/ARRAIGN. OR REMOVAL: _____

STATUS CONFERENCE

TAPE No. 08-B- 14 Begin: 1585 b 3268 TIME IN COURT: 5 minutes**SCANNED**

Case 1:08-mj-02792-PAW Document 7 Entered on FLSD Docket 06/18/2008 Page 1 of 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDACASE NO. 08-2792-WHITE

UNITED STATES OF AMERICA

v.

WARRANT OF REMOVAL

LEONARD B. AUERBACH

#80616-004

A(n) ComplaintX Indictment Information Probation Violation Warrant Bench Warranthaving been filed in the Northern District of California charging the above named defendant with Production/Possession of Child Pornography, and the defendant having surrenderedX been arrested

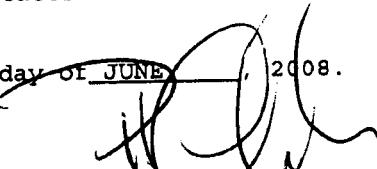
in the Southern District of Florida, having had an initial appearance before the Court and having:

X waived further hearing been given a hearing in accordance with Fed.R.Crim.P. 40.

having not posted the bail as set by the Court, the defendant is hereby committed to the custody of the United States Marshal for removal to the District where the charge is pending and delivery to the United States Marshal for that District or his lawfully authorized representative.

DONE AND ORDERED at Miami, Florida this 16TH day of JUNE, 2008.

TAPE NO. 08B-14-1585 & 3268



PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGEc: AUSA
Defense
Pretrial Services
U.S. Marshal (2 certified copies)

United States District Court
Southern District of FloridaUNITED STATES OF AMERICA
Plaintiff

- VS -

AUERBACH, Leonard
Defendant08-2792-White
CASE NUMBER: CR:

REPORT COMMENCING CRIMINAL

80616 004
ACTION

USMS NUMBER

TO: CLERK'S OFFICE MIAMI FT. LAUDERDALE W. PALM BEACH
U.S. DISTRICT COURT (CIRCLE ONE)

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE.

COMPLETE ALL ITEMS. INFORMATION NOT APPLICABLE N/A.

(1) DATE AND TIME OF ARREST: 6/13/08 1200 hrs AM PM ✓(2) LANGUAGE SPOKEN: English(3) OFFENSE CHARGED: 182423 Child Sex Tourism(4) DATE OF BIRTH: 09/19/1946(5) TYPE OF CHARGING DOCUMENT: (CHECK ONE)
 INDICTMENT COMPLAINT TO BE FILED/ALREADY FILED BENCH WARRANT FOR FAILURE TO APPEAR PROBATION VIOLATION WARRANT PAROLE VIOLATION WARRANT

ORIGINATING DISTRICT: _____

(6) REMARKS: _____

(7) DATE: 6/13/08 (8) ARRESTING OFFICER: Special Agent Vicky Thompson(8) AGENCY: U.S. Immigration & Customs Enforcement (10) PHONE: 1800 X SECTOR

(11) COMMENTS: _____

SCANNED

1 **COUNT TWO:** (18 U.S.C. § 2423(b) - Travel with Intent to Engage in Illicit Sexual Conduct)
2 Beginning at a time unknown to the Grand Jury, but no later than on or about September
3 22, 2004, and continuing to at least on or about April 9, 2007, in the Northern District of
4 California and elsewhere, the defendant,

LEONARD B. AUERBACH,

6 a citizen of the United States, did travel in foreign commerce for the purpose of engaging with
7 another person in illicit sexual conduct, as that term is defined in 18 U.S.C. §§ 2423(f) and 2246,
8 all in violation of Title 18, United States Code, Section 2423(b).

10 | COUNT THREE: (18 U.S.C. § 2251(c) Production of Child Pornography)

11 Beginning at a time unknown to the Grand Jury, but no later than on or about September
12 22, 2004, and continuing to at least on or about April 9, 2007, the defendant,

LEONARD B. AUERBACH,

14 did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit
15 conduct outside of the United States, its territories and possessions, for the purpose of producing
16 any visual depiction of such conduct, and did transport and did intend to be transported such
17 visual depiction to the United States, its territories and possessions, by any means, including by
18 computer and mail, all in violation of Title 18, United States Code, Section 2251(c).

20 COUNT FOUR: (18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography)

21 On or about August 6, 2007, in the Northern District of California, the defendant,

LEONARD B. AUERBACH,

23 did knowingly possess matters which contained visual depictions that had been shipped and
24 transported in interstate and foreign commerce, by any means including by computer, and which
25 were produced using materials that had been transported and shipped in interstate and foreign
26 commerce, by any means including by computer, knowing that the producing of such visual
27 depictions involved the use of a minor engaging in sexually explicit conduct and that such visual
28 depictions were of such conduct, all in violation of Title 18, United States Code, Section

INDICTMENT

1 2252(a)(4)(B).

3 **FORFEITURE ALLEGATION ONE: (18 U.S.C. § 2428 – Criminal Forfeiture)**

4 Upon conviction of the offenses alleged in Counts One and Two of this Indictment, the
5 defendant,

6 LEONARD B AUERBACH,

7 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, all
8 property, real and personal, used and intended to be used to commit and facilitate the commission
9 of the offenses of conviction, including but not limited to the following:

10 a. \$540,000, constituting and derived from proceeds from the sale of the
11 defendant's interest in Beautiful Beach House, Ltd., which owned and
controlled a home located at the Hacienda Pinilla Beach resort in Costa
Rica;

12 b. 120 GB hard drive (seized by the government on August 6, 2007);

13 c. Sony VAIO laptop computer with 80 GB hard drive and serial number
J001WRA8 (seized by the government on August 6, 2007);

14 d. 1 GB PNY brand flash drive (seized by the government on August 6,
2007); and

15 e. 512 MB PNY brand flash drive (seized by the government on August 6,
2007).

16 **FORFEITURE ALLEGATION TWO: (18 U.S.C. § 2253 – Criminal Forfeiture)**

17 Upon conviction of the offenses alleged in Counts Three and Four of this Indictment, the
18 defendant,

19 LEONARD B. AUERBACH,

20 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all
21 visual depictions described in Title 18, United States Code Section 2252, and all property, real
22 and personal, used and intended to be used to commit and promote the commission of the
23 offenses of conviction and any property traceable to such property, including but not limited to
24 the following:

25 a. \$540,000, constituting and derived from proceeds from the sale of the
26 defendant's interest in Beautiful Beach House, Ltd., which owned and
controlled a home located at the Hacienda Pinilla Beach resort in Costa
Rica;

27
28 INDICTMENT

LEONARD B. AUERBACH,
PENALTY SHEET ATTACHMENT

VIOLATIONS:

COUNTS 1 & 2: 18 U.S.C. § 2423(c) – Engaging in Illicit Sexual Conduct in Foreign Places; 18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct;

COUNT 3: 18 U.S.C. § 2251(c) – Production of Child Pornography;

COUNT 4: 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography;

PENALTIES:

COUNTS 1&2: 30 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 3: 30 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender, Forfeiture and Restitution

COUNT 4: 10 years maximum prison sentence; \$250,000 maximum fine; 5 years (lifetime maximum) supervised release term; \$100 special assessment; Registration as Sex Offender

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-2792-WHITE

UNITED STATES OF AMERICA

Plaintiff,

v.

LEONARD B. AUERBACH**YOB:1946 (J) #80616-004**

Defendant.

/

ORDER ON INITIAL APPEARANCE

AUSA Marcus Christian
Agent ICELanguage ENGLISH
Tape No. 08B-14-1585 & 3268

The above-named defendant having been arrested on 06/13/08 having appeared before the court for initial appearance on 06/16/08 and proceedings having been held in accordance with Fed.R.Cr.P. r. 5 or 40(a), it is thereupon

ORDERED as follows:

1. Marc Seitles appeared as temporary counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
2. _____ appointed as permanent counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 a.m. on _____, 2008.

***The defendant waived removal hearing**

4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am, 2008.
5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because _____

A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am, 2008.

6. The defendant shall be released from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

Stip PTD

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

SCANNED

LEONARD B. AUERBACH

- a. Surrender all passports and travel document to the Pretrial Services Office and not to obtain any travel documents during the pendency of the case.
- b. Report to Pretrial Services as follows: _____ time(s) a week in person; _____ time(s) a week by phone; _____ as directed; other
- c. Submit to random urine testing and/or treatment by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.
- d. Maintain or actively seek full time gainful employment.
- e. Maintain or begin an educational program.
- f. Avoid all contact with victims of or witnesses to the crimes charged.
- g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- h. Comply with the following curfew: _____
- i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
- j. Comply with the following additional special conditions of this bond:

This bond was set: At Arrest _____
 On Warrant _____
 After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida this 16TH day of JUNE, 2008.

s/Patrick A. White

UNITED STATES MAGISTRATE JUDGE

c: Assistant U.S. Attorney
 Defense Counsel
 Pretrial Services/Probation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-2792- White

UNITED STATES OF AMERICA,

v.

NOTICE OF TEMPORARY
APPEARANCE AS COUNSEL

LEONARD Averbach

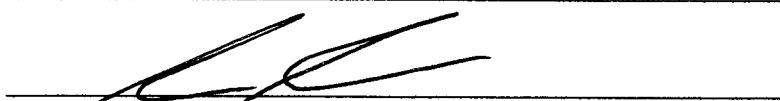
COMES NOW Marc Seizes and

files this temporary appearance as counsel for the above named defendant(s) at initial appearance. This appearance is made with the understanding that the undersigned counsel will fulfill any obligations imposed by the Court such as preparing and filing documents necessary to collateralize any personal surety bond which may be set.

Counsel's Name (Printed)

Marc Seizes

Counsel's Signature



Address

169 EAST FLAGLER ST, SUITE 1200
MIAMI, FL

ZIP CODE: 33130

Telephone

(305) 379-6667 FLORIDA BAR NUMBER: 0178284

Date:

6/16/08

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 08-2792-WHITE

UNITED STATES OF AMERICA,

Plaintiff, **STIPULATED ORDER OF DETENTION**

vs.

LEONARD B. AUERBACK,

Defendant.

/

THIS CAUSE came before the Court and pursuant to proceedings held, it is thereupon

ORDERED AND ADJUDGED That the above named Defendant is hereby Ordered Pretrial Detained pursuant to the **Stipulation** of the parties. The Defendant reserves the right to have a Pretrial Detention Hearing upon his/her request.

DONE AND ORDERED at Miami, Florida this 16TH day of JUNE, 2008.

TAPE NO: 08B-14-1585& 3268

s/Patrick A. White
UNITED STATES MAGISTRATE JUDGE

c: AUSA
Defense Counsel
Pretrial Services
U.S. Marshal

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-2792-WH-TE

UNITED STATES OF AMERICA,

Plaintiff,
vs.

WAIVER OF REMOVAL HEARING

Defendant.

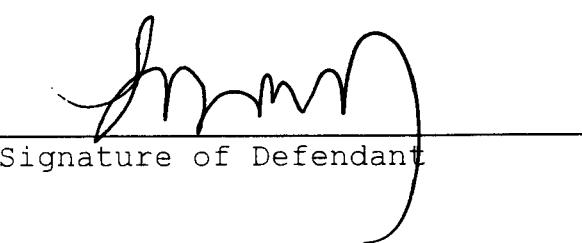
LEONARD AVERBACH /

I, LEONARD AVERBACH, charged in a proceeding pending in the NDCA/FL _____ and having been arrested in the Southern District of Florida and taken before **PATRICK A. WHITE**, a United States Magistrate Judge for that district, who informed me of the charge and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, do hereby waive a hearing before the aforementioned magistrate and consent to the issuance of a warrant/order for my removal to _____, where the aforesaid charge is pending against me.

DONE and ORDERED at Miami, Florida this 16 day of December, 2008.

Witness


PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE


Signature of Defendant

SCANNED

U.S. District Court
Southern District of Florida (Miami)
CRIMINAL DOCKET FOR CASE #: 1:08-mj-02792-PAW-1
Internal Use Only

Case title: USA v. Auerbach

Date Filed: 06/16/2008

Date Terminated: 06/16/2008

**Assigned to: Magistrate
Judge Patrick A. White**

Defendant (1)

Leonard B. Auerbach

represented by Marc David Seitles

YOB: 1946

Marc D Seitles

TERMINATED: 06/16/2008

169 E Flagler Street

Suite 1200

Miami, FL 33131

305-379-6667

Fax: 379-6668

Email:

mseitles@seitleslaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Temporary

Pending Counts

None

Disposition

Certified to be a true and
correct copy of the document on file

Steven M. Larimore, Clerk,

U. S. District Court

Southern District of Florida

By *Patricia M. Farley*
Date *6-19-08*

SEARCHED

**Highest Offense Level
(Opening)**

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

**represented by Marcus A. Christian
 United States Attorney's
 Office
 99 NE 4 Street
 Miami, FL 33132
 305-961-9401
 Fax: 530-7976
 Email:
 marcus.a.christian@usdoj.gov**

**LEAD ATTORNEY
 ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/16/2008	01	Report Commencing Criminal Action as to Leonard B. Auerbach - DOB: **/**/1946 Prisoner #: 80616-004 (pf) (Entered: 06/18/2008)
06/16/2008	02	Copy of Indictment from the ND/California/Oakland Division as to Leonard B. Auerbach: (pf) (Entered: 06/18/2008)
06/16/2008	03	Order on Initial Appearance as to Leonard B. Auerbach for proceeding held on 6/16/2008. Tape #08B14-1585 & 3268. Signed by Magistrate Judge Patrick A. White on 6/16/08. (pf) (Entered: 06/18/2008)
06/16/2008	04	NOTICE OF ATTORNEY APPEARANCE: Marc David

		Seitles appearing for Leonard B. Auerbach (pf) (Entered: 06/18/2008)
06/16/2008	05	STIPULATED ORDER OF DETENTION as to Leonard B. Auerbach. Signed by Magistrate Judge Patrick A. White on 6/16/08. (pf) (Entered: 06/18/2008)
06/16/2008	06	WAIVER of Rule 5(c)(3) Hearing by Leonard B. Auerbach (pf) (Entered: 06/18/2008)
06/16/2008	07	WARRANT of Removal to District of ND/CALIFORNIA Issued as to Leonard B. Auerbach. (pf) (Entered: 06/18/2008)
06/16/2008	08	Minute Entry for proceedings held before Magistrate Judge Patrick A. White: Initial Appearance as to Leonard B. Auerbach held on 6/16/2008 (Tape #08B14-1585 & 3268.) (pf) (Entered: 06/18/2008)